



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,902	01/28/2002	Shinichi Koyama	03500.016144	2051

5514 7590 07/14/2006

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

VIEAUX, GARY

ART UNIT	PAPER NUMBER
----------	--------------

2622

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/055,902

Applicant(s)

KOYAMA, SHINICHI

Examiner

Gary C. Vieaux

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Amendment***

The Amendment, filed April 26, 2006, has been received and made of record. In response to the most recent Office Action, dated January 26, 2006, claims 1, 2, 5, and 6  
5 have been amended. Claims 9-12 have been cancelled without prejudice. Claims 13 and 14 have been added.

### ***Response to Amendment***

Applicant's amendment of independent claims 1 and 5 are found by the  
10 Examiner to correct the previous incongruities with the written description requirements, and therefore, the 35 U.S.C. §112, first paragraph, rejections to claims 1-12 are withdrawn.

### ***Response to Arguments***

15 Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
20 obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.  
25

**Claims 1-8 and 13-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyaji (US 5,206,739) in view of Saito et al. (US 6,184, 922), in further view of Examiner's Official Notice.

Regarding claim 1, Miyaji discloses an image capture apparatus comprising an  
5 image capture unit adapted to capture an image and output image data (col. 3 lines 8-15), an internal recording unit (fig. 1 indicator 1) adapted to (a) start recording the image on a recording medium in response to an instruction of starting recording, and (b) stop recording the image on the recording medium in response to an instruction of stopping recording (col. 3 lines 45-62), and a communication unit being capable of connecting  
10 with an external storage device and outputting the image (fig. 3, indicator), wherein said communication unit starts outputting the image in response to the instruction of starting recording (col. 5 line 62 – col. 6 line 8), and wherein said communication unit stops outputting the image in response to an instruction of stopping recording (col. 5 line 62 – col. 6 line 8.) However, although Miyaji discloses operation of the external storage unit  
15 based on circuitry state, it does not disclose the image capture apparatus determining that the external storage device is connected. Additionally, Miyaji does not explicitly disclose a microphone unit or associated sound data.

Nevertheless, Saito discloses an image capture apparatus with the capability of determining if and what external storage device is connected (col. 5 line 66 – col. 6 line  
20 29.) It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for the determination of connectivity of an external storage device in order to allow for indication of the type of external storage device (in

Art Unit: 2622

the case of Saito, either still image or motion picture capabilities) or as means to indicate to a user that an external device is actually functionally connected.

Additionally, although neither Miyaji nor Saito explicitly disclose a microphone unit or associated sound data, Official Notice is taken that an image capture apparatus may record sound data via a microphone unit in concert with the recording of image data; a concept that is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to record sound data via a microphone unit in order to record the audio associated with the images being recorded, and therefore capture a more representative rendition of the recorded event.

Regarding claim 2, Miyaji and Saito, in further view of Examiner's Official Notice, disclose all the limitations of claim 2 (see the 103(a) rejection to claim 1 supra) including disclosing an image capture apparatus wherein even if said internal recording unit cannot normally record the image and sound data on the recording medium said communication unit continues outputting the image and sound data ('739 – col. 5 line 62 – col. 6 line 26.)

Regarding claim 3, Miyaji and Saito, in further view of Examiner's Official Notice, disclose all the limitations of claim 3 (see the 103(a) rejection to claim 1 supra) including teaching an apparatus wherein said communication unit outputs the image and sound data by using an isochronous transfer conformed to IEE1394-1995 standards ('922 - col. 12 lines 48-50.)

Regarding claim 4, Miyaji and Saito, in further view of Examiner's Official Notice, disclose all the limitations of claim 4 (see the 103(a) rejection to claim 1 supra) including teaching an apparatus wherein the apparatus is a camera-integrated digital video recorder ('922 - col. 4 lines 37-44, in which the camera, indicator 4 of fig. 1, can be  
5 integrated with a DVD-R or DVD-RAM drive.)

Regarding claim 13, Miyaji and Saito, in further view of Examiner's Official Notice, disclose all the limitations of claim 13 (see the 103(a) rejection to claim 1 supra) including wherein the image and sound data is conformed to an MPEG2 transport stream ('922 - col. 19 lines 59-63.)

10 Regarding claims 5-8 and 14, although the wording is different, the material is considered substantively equivalent to claims 1-4 and 13, respectively, as discussed above.

### ***Conclusion***

15 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE  
20 MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 571-272-7318. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

10 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen T. Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for  
15 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a  
20 USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/055,902  
Art Unit: 2622

Page 7

Gary C. Vieaux  
Examiner  
Art Unit 2622

Gcv2

5

A handwritten signature in black ink, appearing to read 'Ngoc-Yen Yu', with a long horizontal flourish extending to the right.

NGOC-YEN YU  
SUPERVISORY PATENT EXAMINER